CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 20-226, CD1

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO REPLACE THE HANOHANO HALE APARTMENT BUILDING'S EXISTING WASTEWATER TREATMENT SYSTEM.

WHEREAS, on May 22, 2020, the Department of Planning and Permitting ("DPP") accepted an application (DPP Reference Number 2020/SMA-19) from the Hanohano Hale Association of Apartment Owners (the "Applicant") for a Special Management Area ("SMA") Use Permit to replace the existing wastewater treatment system at Hanohano Hale, a 132-unit apartment building in Hauula, on approximately 0.5 acres of land zoned A-2 Medium Density Apartment District, located at 53-549 Kamehameha Highway, and identified as a portion of Tax Map Key 5-3-008:001 (the "Project"); and

WHEREAS, as proposed, the Project is a primarily aboveground wastewater treatment system that will include sewer piping, a secondary treatment unit, two blowers with a blower control panel, a 480-volt transformer, a diesel backup generator, fencing or screening walls, an underground preloader system, and four underground injection wells; and

WHEREAS, on July 13, 2020, the DPP held a public hearing, which was attended by the Applicant's agent, DPP and Department of Information Technology staff members, and nine members of the public (one attending in person and eight attending virtually by telephone or videoconference); no members of the public testified at the hearing; and

WHEREAS, on August 20, 2020, within 35 working days after the close of the public hearing (the Applicant having agreed to an extension of the 20-working day administrative deadline), the DPP, having duly considered all evidence and the objectives, policies, and guidelines as established in Sections 25-3.1 and 25-3.2 of the Revised Ordinances of Honolulu 1990 ("ROH"), and Sections 205A-2 and 205A-26 of the Hawaii Revised Statutes ("HRS"), completed its report and transmitted its findings and recommendation of approval to the City Council; and

WHEREAS, the City Council, having received the findings and recommendation of the DPP on September 1, 2020, by Departmental Communication 594 (2020), and having duly considered all of the findings and reports on the matter, desires to approve the subject application for an SMA Use Permit with the conditions enumerated below; now, therefore,

RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu that an SMA Use Permit be issued to the Applicant for the Project, subject to the following conditions:

A. Construction must be in general conformity with the Project as recommended by the DPP in the DPP's findings and recommendation referenced above, and as depicted in Exhibits A through F, attached hereto and incorporated herein by this reference, except as required to comply with Condition B. Any change in the size or nature of the Project that has a significant effect on coastal resources addressed in ROH Chapter 25 or HRS Chapter 205A, or both, will require a new application and SMA Use Permit. Any change that does not have a significant effect on coastal resources will be considered a minor modification and is therefore permitted under this resolution, upon review and approval by the DPP Director.

B. To reduce the obstruction of ocean views from Kamehameha Highway, the aboveground components of the Project must be relocated to one of the following alternative sites:

1. Between the Hanohano Hale apartment building and Kamehameha Highway, which will necessitate the removal or relocation of the access driveway currently existing on this site; provided that the southeastern edge of the Project's footprint must not extend beyond the southeastern face of the Hanohano Hale apartment building; or

2. Within one of the existing Hanohano Hale parking lots and oriented so that the long axis of the Project is perpendicular to Kamehameha Highway.

C. Prior to any ground disturbance, the Applicant shall provide the DPP with written confirmation of the Department of Land and Natural Resources, State Historic Preservation Division's ("SHPD") acceptance and approval of an archaeological inventory survey for the Project site.

D. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls) are encountered, the Applicant shall stop work, protect the find from further disturbance, and contact SHPD immediately. Work in the immediate area must be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity.

E. Any leaks or spills of wastewater during Project construction must be immediately reported to the State Division of Aquatic Resources ("DAR") for DAR's assessment of the impact of the leak or spill to the freshwater and marine habitats. The Applicant shall implement any remedial measures recommended by the DAR.

F. To minimize impacts to threatened, endangered, or protected fauna known to frequent or transit through the Project site, the Applicant shall be responsible for the following:

1. Artificial light from exterior light fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, is prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS Section 205A-71(b).

   Exterior light fixtures must be fully shielded with the light directed downward so that the light bulb is only visible from below the light fixture. Outdoor lighting must be turned off when human activity is not occurring in the illuminated area.

2. Nighttime work (from sunset to sunrise) must be avoided during the seabird fledgling season from September 15 through December 15.

3. The DPP and all private contractors must be notified of any observations of threatened, endangered, or protected fauna on the Project site during preparation and construction. If any threatened, endangered, or protected fauna are observed, the Applicant shall implement applicable mitigative measures.

4. To protect the Hawaiian hoary bat's habitat, the Applicant shall take special care when trimming, relocating, or removing trees on the Project site. Woody plants greater than 15 feet in height must not be disturbed, trimmed, or removed during the Hawaiian hoary bat birthing and pup rearing season from June 1 through September 15.

G. Prior to submitting any development permit application for the Project, the Applicant shall submit to the DPP for review and approval a landscape plan that mitigates visual impacts of the aboveground components of the Project.

H. Prior to submitting any development permit application for the Project, the Applicant shall submit to the DPP for review and approval revised Project plans showing compliance with Condition B, whichever alternative site is selected by the Applicant.

I. Approval of this SMA Use Permit does not constitute compliance with Land Use Ordinance ("LUO") or other governmental requirements, including but not limited to building, grading, and grubbing permit approvals. They are subject to separate review and approval. The Applicant will be responsible for ensuring that the final plans for the Project approved under this SMA Use Permit comply with all applicable LUO and other governmental provisions and requirements.

J. The Applicant shall obtain a development permit for the Project within two years after approval of this SMA Use Permit. Failure to obtain a development permit within this period will render this SMA Use Permit null and void; provided that this period may be extended as follows: the DPP Director may extend this period if the Applicant demonstrates good cause, but the period must not be extended beyond one year from the initial deadline set by the City Council.

If the Applicant demonstrates good cause for an extension exceeding one year, the Director shall prepare and submit to the Council a report on the proposed extension, which must include the Director's findings and recommendation thereon. The Council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by adoption of a committee report or resolution.

If the Council fails to take final action on the proposed extension within the first to occur of: (1) 60 days after receipt of the Director's report; or (2) the Applicant's then-existing deadline for obtaining a development permit, the extension will be deemed denied.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 20-226, CD1

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Dean Uchida, Director of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813; Hanohano Hale AOAO, 650 Iwilei Road, Suite 777, Honolulu, Hawaii 96817; and Stephanie Davis, Environmental Science International, 354 Uluniu Street, Suite 304, Kailua, Hawaii 96734.

INTRODUCED BY:

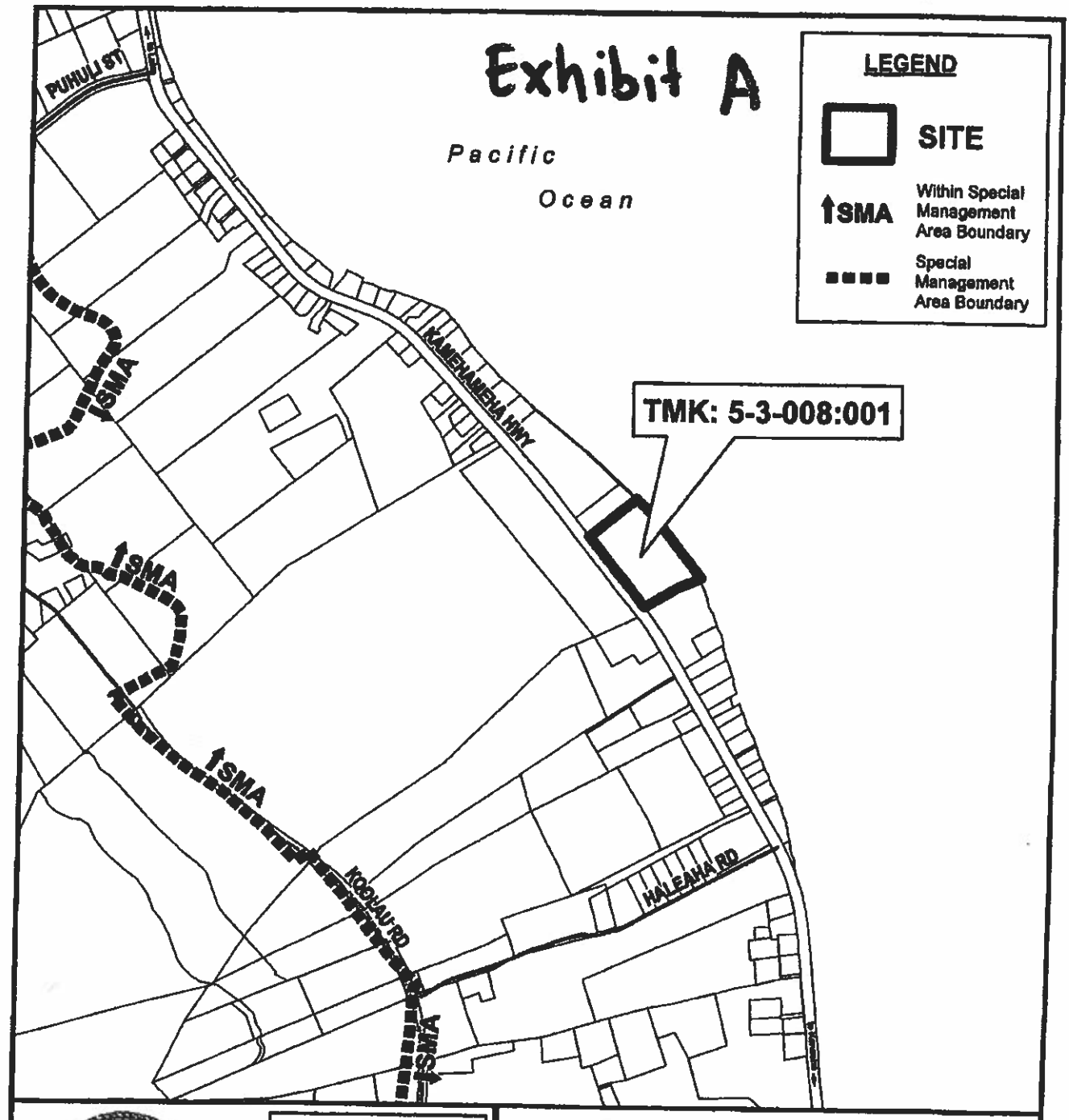
Ikaika Anderson (br)

DATE OF INTRODUCTION:

September 1, 2020
Honolulu, Hawaii

Councilmembers

OCS2021-0391/4/27/2021 8:47 AM



LOCATION MAP WITH SMA
HAUULA, KOOLAU LOA

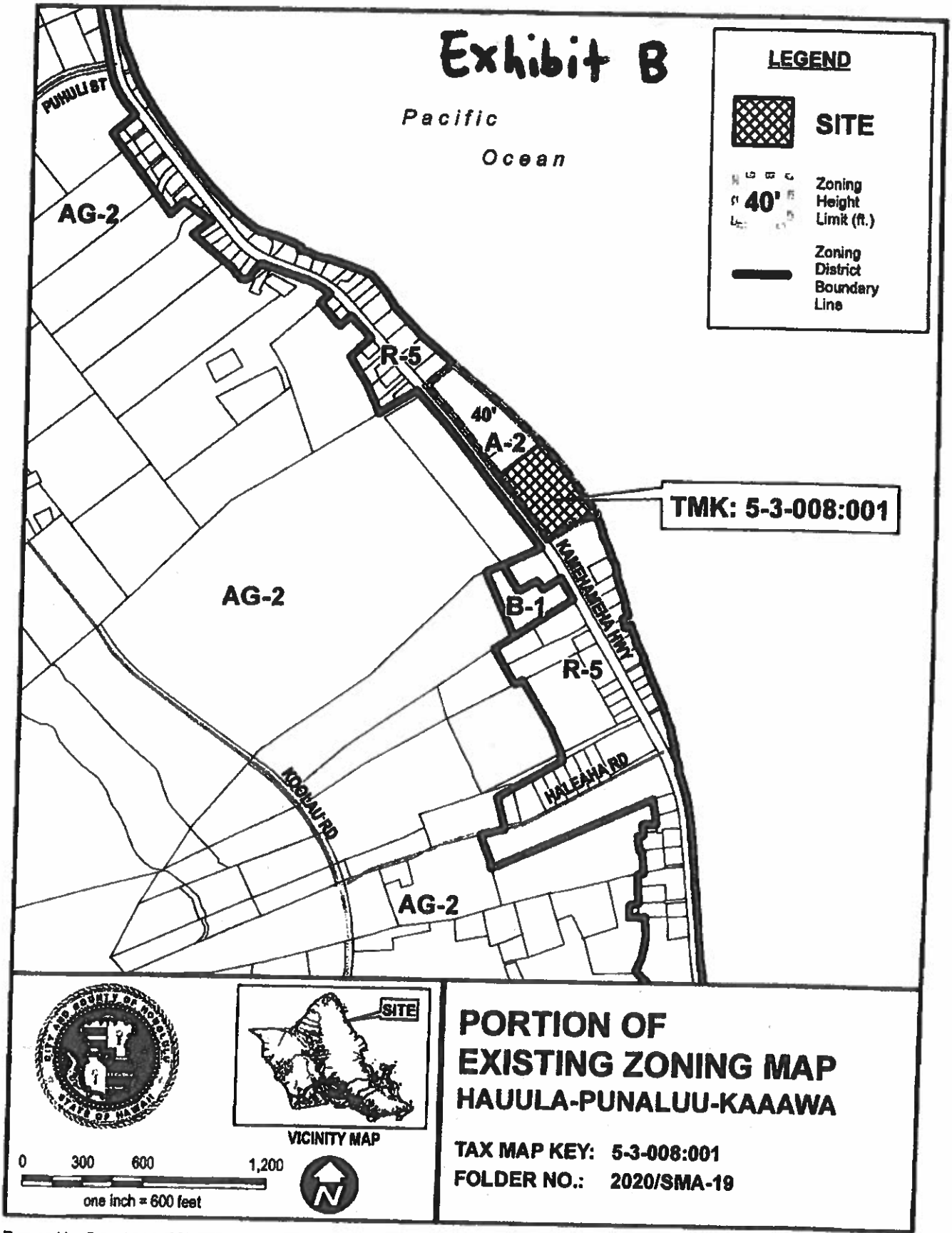
TAX MAP KEY: 5-3-008:001

FOLDER NO.: 2020/SMA-19

Prepared by: Department of Planning & Permitting
City and County of Honolulu

Date Prepared: May 2020

Copyright City & County of Honolulu
All Rights Reserved 2020

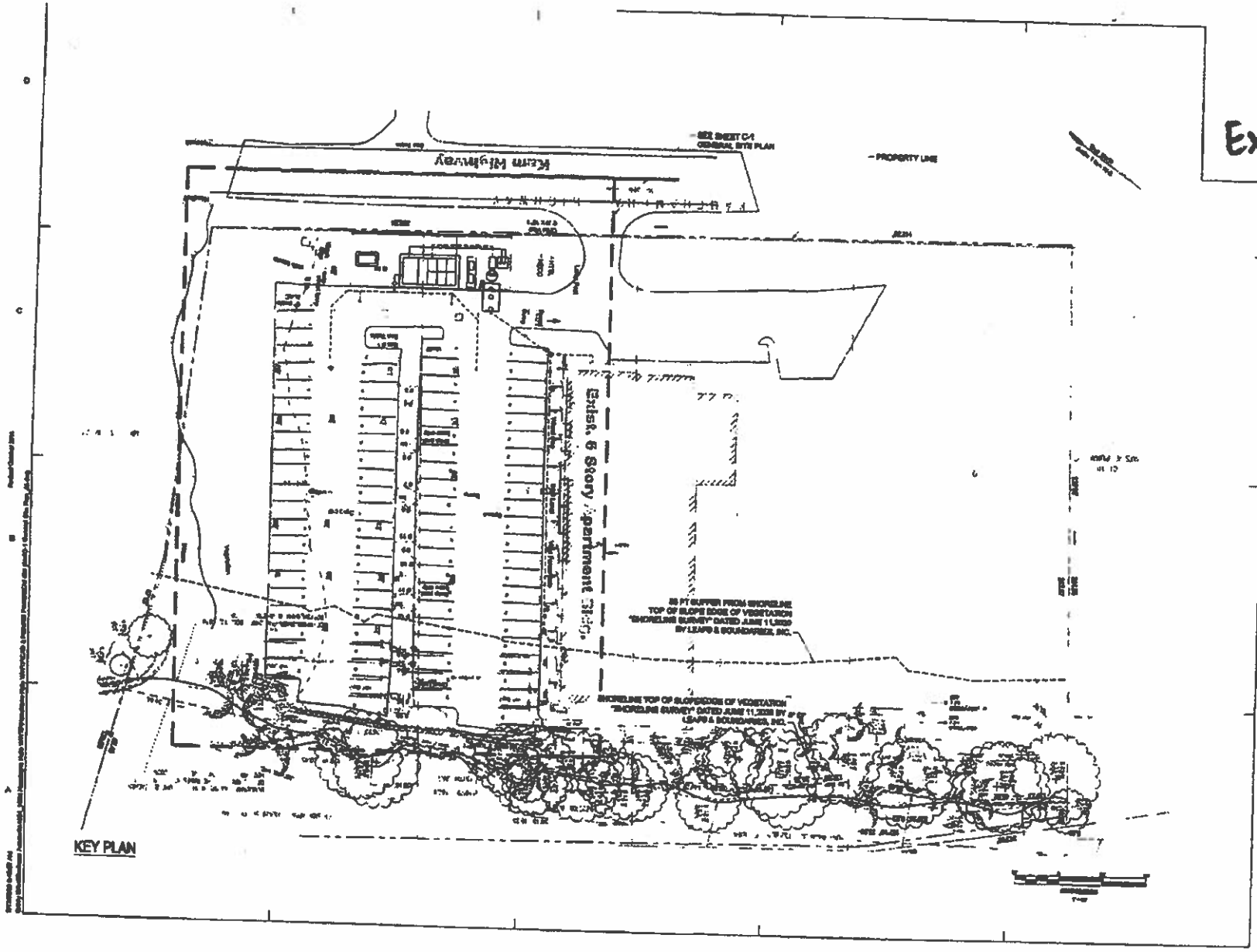


Prepared by: Department of Planning & Permitting
City and County of Honolulu

Date Prepared: May 2020

Copyright City & County of Honolulu
All Rights Reserved 2020

Exhibit C



LAULEA
ENGINEERING, LLC

HANOHANO HALE
CONDOMINIUM
WWTP REPLACEMENT
53-549 KAMEHAMEHA HIGHWAY
HAUULA HI 96717
TMK: 5-3-005: 001

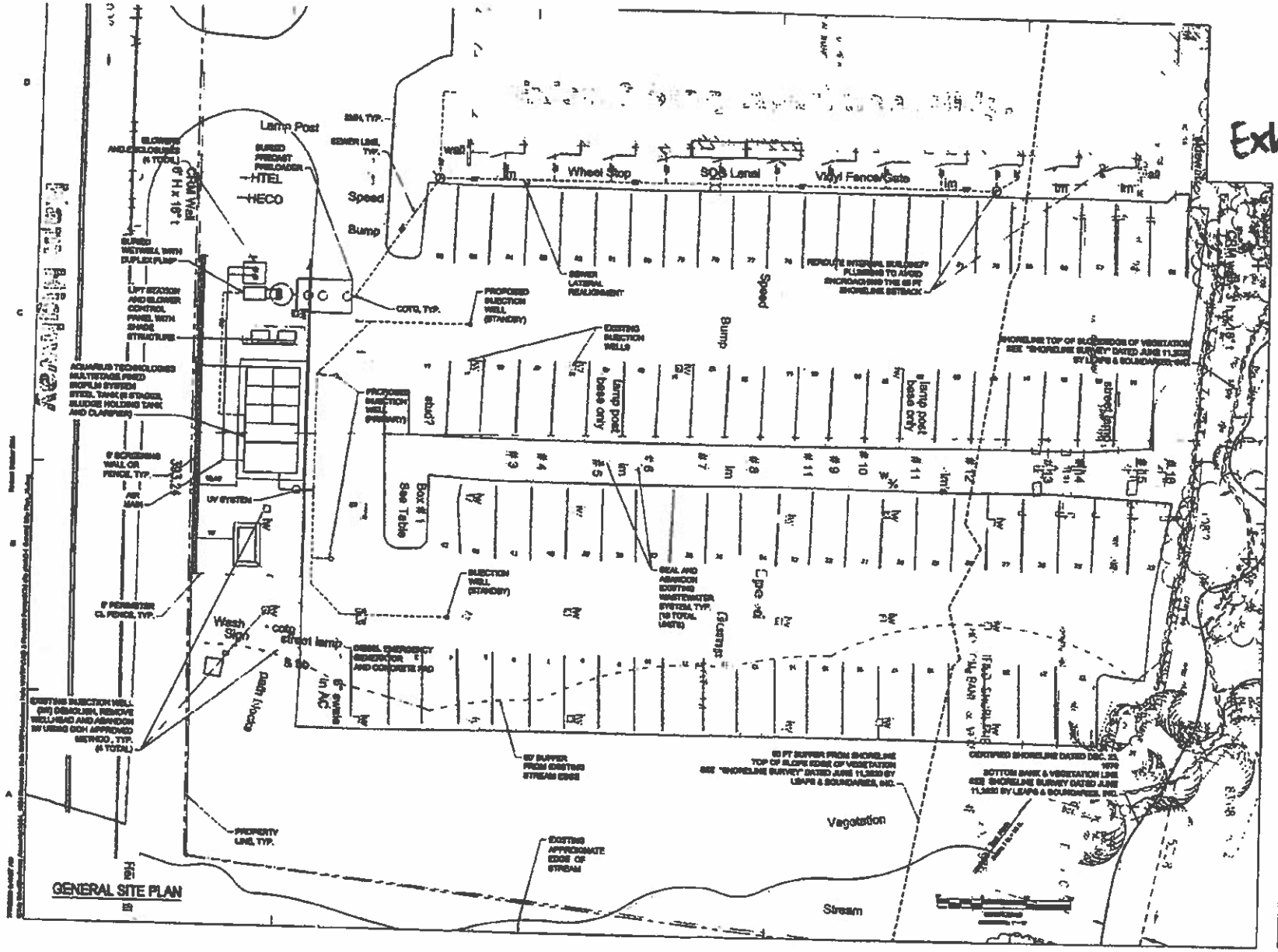
KEY PLAN

JULY 17, 2020

C-0

NOT FOR CONSTRUCTION PERMIT SET

Exhibit D



LAULEA ENGINEERING, LLC

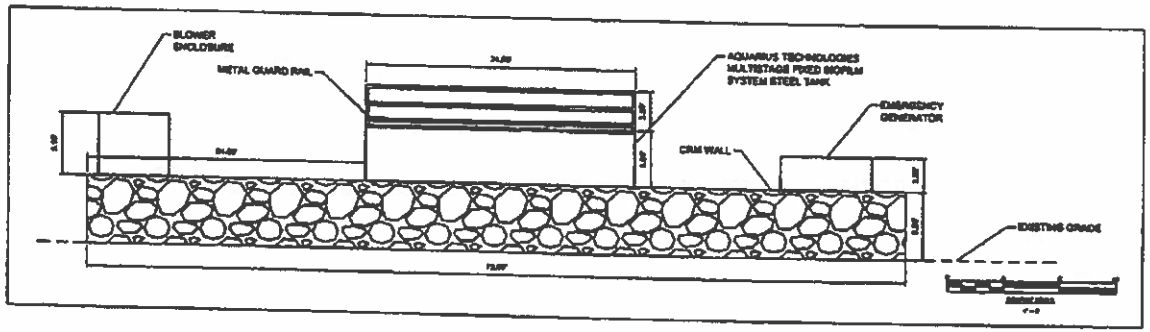
HANOHANO HALE CONDOMINIUM
WWTP REPLACEMENT
53-549 KAMEHAMEHA HIGHWAY
HAUULA HI 96717
TMK: 5-3-002: 001

GENERAL SITE PLAN

C-1

NOT FOR CONSTRUCTION PERMIT SET

Exhibit E



WWTP ELEVATION VIEW FROM KAMEHAMEHA HWY

LAULEA ENGINEERING, LLC

HANOHANO HALE CONDOMINIUM
WWTP REPLACEMENT
53-549 KAMEHAMEHA HIGHWAY
HAUULA HI 96717
TMK: 5-3-008: 001

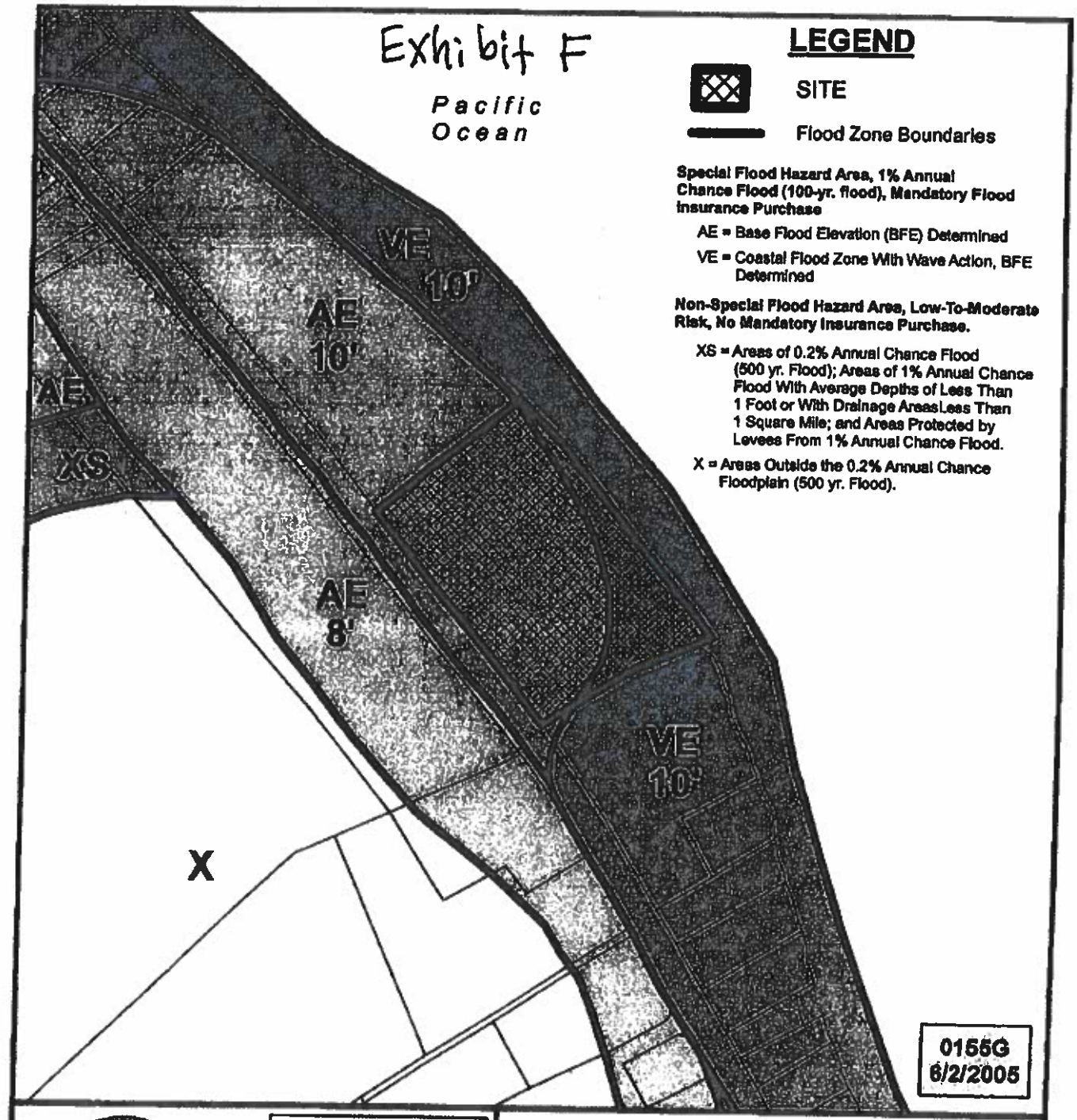
WWTP ELEVATION VIEW FROM KAMEHAMEHA HWY

JULY 17, 2020

TK | WW | TK

C-1.1

Exhibit F



LEGEND

SITE

Flood Zone Boundaries

Special Flood Hazard Area, 1% Annual Chance Flood (100-yr. flood), Mandatory Flood Insurance Purchase

AE = Base Flood Elevation (BFE) Determined

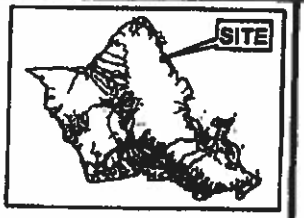
VE = Coastal Flood Zone With Wave Action, BFE Determined

Non-Special Flood Hazard Area, Low-To-Moderate Risk, No Mandatory Insurance Purchase.

XS = Areas of 0.2% Annual Chance Flood (500 yr. Flood); Areas of 1% Annual Chance Flood With Average Depths of Less Than 1 Foot or With Drainage AreasLess Than 1 Square Mile; and Areas Protected by Levees From 1% Annual Chance Flood.

X = Areas Outside the 0.2% Annual Chance Floodplain (500 yr. Flood).

0155G
6/2/2005



VICINITY MAP

0 100 200 400

one inch = 200 feet

PORTION OF
FLOOD HAZARD MAP
HAUULA, KOOLAU LOA

FIRM PANEL: 15003C0155G(6/2/2005)

TAX MAP KEY: 5-3-008:001

FOLDER NO.: 2020/SMA-19

Prepared by: Department of Planning & Permitting
City and County of Honolulu

Date Prepared: May 2020

Copyright City & County of Honolulu
All Rights Reserved 2020

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

RESOLUTION 20-226, CD1

Introduced: 09/01/20 By: IKAIKA ANDERSON - BY REQUEST Committee: ZONING AND PLANNING (ZP)

Title: GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO REPLACE THE HANOHANO HALE APARTMENT BUILDING'S EXISTING WASTEWATER TREATMENT SYSTEM.

Voting Legend: * = Aye w/Reservations

09/01/20	INTRO	Introduced.
09/23/20		NOTE: Effective September 23, 2020, Councilmember Ikaika Anderson, representing Council District III, resigned from office. [Refer to Communication CC-256(20)] NOTE: The appointment of Alan Kekoa Texeira to fill a vacancy in the Office of Councilmember for Council District III was approved on Wednesday, September 23, 2020. (Refer to RES20-236, FD1) CC-269(20) KOBAYASHI - Council Standing Committee Assignments.
09/24/20	ZH	Postponed. 5 AYES: ELEFANTE, MANAHAN, MENOR, TEXEIRA, WATERS
10/09/20	CCL	M-637 Approved 9 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TEXEIRA, TSUNEYOSHI, WATERS
01/02/21		NOTE: Councilmembers Cordero, Kia'āina, Say, Tulba and Tupola took office on Saturday, January 2, 2021. CC-3(21) Waters – Standing Committee assignments. CC-4(21) Waters - Re-referral of Bills, Resolutions and communications.
01/14/21	ZP	Amended to a CD1 and postponed to a date and time to be determined by the Committee Chair. 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
02/04/21	ZP	Extension of time reported out for adoption. CR-45(21) 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
02/17/21	CCL	Committee report adopted. 8 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TULBA, TUPOLA, WATERS 1 ABSENT: TSUNEYOSHI
04/22/21	ZP	Reported out for adoption as amended in CD1 form. CR-141(21) 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
05/05/21	CCL	Committee report and Resolution as amended were adopted. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

GLEN I. TAKAHASHI, CITY CLERK

TOMMY WATERS, CHAIR AND PRESIDING OFFICER